

Application No. 08/793,416
Amendment dated June 15, 2007
Reply to Office Action dated February 15, 2007

REMARKS

Reconsideration And Allowance Are Respectfully Requested.

Claims 20-38 are currently pending. Claim 20 has been amended. Claims 1-19 and 27-29 have been previously been cancelled. Claims 30-38 have been withdrawn based on a prior election of species. No new claims have been added. No new matter has been added. Reconsideration is respectfully requested.

With regard to the outstanding Office Action, claims 20-26 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In accordance with the Examiner's suggestion, Applicant has amended claim 20 and this claim is now believed to conform with § 112. As such, Applicant respectfully requests the outstanding rejection be withdrawn.

With regard to the rejections based upon the cited references, claims 20-26 stand rejected under 35 U.S.C. § 103(a) over Great Britain Patent No. 954594 (Weinberger) in view of either U.S. Patent No. 4,576,846 to Noel (Noel) or U.S. Patent No. 4,748,061 to Fry et al (Fry).

The Office Action generally contends that Weinberger discloses the basic material of the claimed invention, but fails to disclose the claimed shape. The shape is important to the ultimate functionality of the present invention permitting use in the prevention of the passage of γ -rays from a source to the external environment. In particular, Weinberger, although disclosing that the shield may be formed in a variety of shapes, fails to appreciate the shape ultimately disclosed and claimed in accordance with the present invention. The Examiner attempts to remedy this through the citation of Noel or Fry. However, there is nothing in Weinberger which would suggest that it may be formed into a resilient, cylindrical shield body in the form of a cylindrical annulus with a slit as

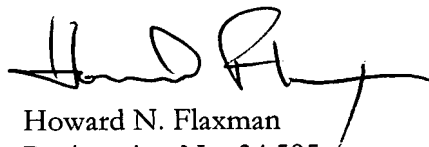
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claimed in accordance with the present invention. Without further proof to the contrary, it is Applicant's opinion it would not be obvious to take the shield disclosed by Weinberger and form it into either the shape disclosed by Fry or the shape disclosed by Noel as such modification would require substantial engineering ingenuity not contemplated in accordance with the cited references.

With the foregoing in mind, it is Applicant's opinion that the combination of Weinberger, Fry and/or Noel as suggested in the outstanding Office Action is improper and Applicant respectfully requests the outstanding rejection be withdrawn. As to those claims dependent upon independent claim 20, it is Applicant's opinion these claims are also allowable over the references of record for at least the reasons discussed above. As such, Applicant respectfully requests the rejection of these claims also be withdrawn.

It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested. If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact Applicant's representative at the below number.

Respectfully submitted,



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